

## CHAPTER LXXVI.

*An Act relating to the claim and delivery of personal property.*March 6, 1868.

- SECTION 1. Amendment to Section 114, Chapter 66, General Statutes. Upon receipt of affidavit, Sheriff to take and deliver property to plaintiff—to serve notice of affidavit on defendant.
2. Amendment to Section 127, Chapter 66. To file affidavit with Clerk of Court within twenty days.
3. Repeal of former sections.
4. When act to take effect.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. Section one hundred and fourteen (114), of chapter sixty-six (66), of the general statutes of Minnesota, is amended so as to read as follows:

Sec. 114. The plaintiff or his attorney may thereupon by endorsement in writing upon the affidavit, require the sheriff of the county where the property claimed may be, to take the same from the defendant and deliver it to the plaintiff; and upon the receipt of the affidavit, with the endorsement thereon, together with a bond executed to the defendant by the plaintiff, or some one in his behalf, with one or more sureties, to be approved by the sheriff, in an amount double the value of the property, conditioned that the property shall be returned to the defendant, if a return shall be adjudged, and for the payment to him of such sum as for any cause may be recovered against the plaintiff, the sheriff shall forthwith take the property described in the affidavit, if it be in the possession of the defendant, or his agent, and retain it in his custody until delivered, as hereinafter provided. He must also serve on the defendant without delay, a copy of the affidavit, endorsement and bond, by delivering the same to him personally, if he can be found, or to his agent, from whose possession the property is taken, or, if neither can be found, by leaving them at the usual place of abode of either, with some person of suitable age and discretion.

Duty of Sheriff  
on receipt of  
affidavit.

SEC. 2. Section one hundred and twenty-seven (127), of said chapter sixty-six, is amended so as to read as follows :

Affidavit to be filed in 20 days.

Sec. 127. He shall file the affidavit and endorsement, with his return thereon, with the clerk of the court in which the action is pending, within twenty days after taking the property mentioned therein.

Repeal of former sections.

SEC. 3. Sections one hundred and fifteen (115), one hundred and sixteen (116), and one hundred and seventeen (117), are hereby repealed.

When act to take effect.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 6, 1868.

## CHAPTER LXXVII.

*An Act to amend section (1), of chapter eighteen (18), of the session laws of eighteen hundred and sixty-six (1866), extending the time of filing affidavits.*

March 6, 1868.

SECTION 1. Amendment to Section 1, Chapter 18, Session Laws of 1866. Affidavits to be received as evidence on certain conditions.

2. Proceedings not to be deemed invalid because of not filing.
3. Repeal of inconsistent acts.
4. When act to take effect.

*Be it enacted by the Legislature of the State of Minnesota:*

When affidavits may be received as evidence.

SECTION 1. That in all cases when the affidavits authorized by the provisions of section one (1), of chapter eighteen (18), of the session laws of eighteen hundred and sixty-six (1866), have been heretofore filed, or shall be hereafter filed as therein provided within one (1) year after this act shall become a law, such affidavit or duly certified copies thereof shall be received in evidence, in the same